

Appl. No. 10/765,808

Attorney Docket No.: N1085-00256 [TSMC2003-0899]

Amdt. dated 05/18/2006

Response to Office Action of 02/24/2006

**REMARKS / ARGUMENTS**

Claims 1-28 were previously pending in this application with claims 14-28 having been withdrawn from consideration. Claims 13 and 14-28 are hereby cancelled without prejudice.

- 5           The Office Action rejects claims 1-13. In the present paper, claims 1, 8 and 9 are being amended and claims 29-33 newly added.

Applicants respectfully believe that each of pending claims 1-12 and 29-33 is in patentable form and therefore request re-examination, reconsideration and allowance of each of pending claims 1-12 and allowance of new claims 29-33.

10    I.    **Rejection of Claims 1-6 and 8 Under 35 U.S.C. §102(b)**

In numbered paragraph 4 of the subject Office Action, claims 1-6 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. 2002009042 A to Kimura, hereinafter "Kimura". Applicants respectfully submit that these claim rejections are overcome for reasons set forth below.

- 15           Independent claim 1 recites the feature of: *hardware that is formed of a material that includes oxygen impregnated therein.*

Amended independent claim 8 recites the feature of: *said focus ring formed of a focus ring material that includes oxygen therein.*

- 20           The Kimura reference, in sharp contrast, is limited to a focus ring that is "coated with an oxide," as appears in the abstract and also as recited in translated paragraph [0026], which teaches "coating of the SiO<sub>2</sub> film as oxide." The free oxygen is on, not in, Kimura's focus ring, via the coating. It is intuitive that Kimura's oxide coating will be consumed and eventually wear off. The focus ring having an oxide coating which will eventually wear off is quite distinguished from the focus ring being formed of a material
- 25           that includes oxygen therein. As recited in the originally-filed specification and as also claimed in amended independent claim 1, the actual focus ring material itself is

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impregnated with oxygen. See Paragraphs [0024] and [0025] of the originally-filed specification. The oxygen material is within and therefore throughout the focus ring material. Webster's II New College Dictionary, 1995, defines impregnate (disclosed in the originally-filed specification) as "to fill *throughout* or saturate" and "to permeate or imbue," (see attached). The feature of the oxygen being present throughout the focus ring material is inherently disclosed in the original specification, in view of the common definition of impregnate. It is because of this feature of the oxygen being impregnated within the focus ring material that the claimed invention provides the advantage of consistency and a longer focus ring lifetime, i.e., it does not need to be changed after the coating has worn off as in the Kimura reference.

Therefore, independent claim 1, dependent claims 2-6 and independent claim 8 are each distinguished from Kimura and the rejection of claims 1-6 and 8 under 35 U.S.C. § 102(b), should be withdrawn.

**II. Rejection of Claim 9 Under 35 U.S.C. §102(b)**

In numbered paragraph 11 of the subject Office Action, previously independent claim 9 was rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. 2002016126 A to Nagaiwa *et al.*, hereinafter "Nagaiwa". Applicants respectfully submit that this claim rejection is overcome for reasons set forth below.

Formerly independent claim 9 has now been amended to depend from amended independent claim 1 which is distinguished from the references of record for reasons set forth above. Nagaiwa does not correct for the stated deficiencies of Kimura. The rejection of claim 9 under 35 U.S.C. § 102(b) is therefore obviated.

**III. Claim Rejections Under 35 U.S.C. §103(a)**

In numbered paragraph 15 of the subject Office Action, claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kimura as applied to claims 1-6 and 8 above in view of U.S. Patent No. 5,556,500 to Hasegawa *et al.*, hereinafter "Hasegawa". Further, in numbered paragraph 20 of the subject Office Action, claims

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10-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nagaiwa as applied to claim 9 above in view of Kimura. Applicants respectfully submit that the rejection of claims 7 and 10-13 under 35 U.S.C. §103 are obviated for reasons set forth below.

5 Claim 7 depends from amended independent claim 1 which is distinguished from Kimura for reasons set forth above. Hasegawa has apparently been relied upon for providing a focus ring set but does not correct the above deficiencies of Kimura and claim 7 is therefore distinguished from the references of Kimura and Hasegawa, taken alone or in combination. Claim 7 is therefore in allowable form.

10 Claims 10-13 each depend, directly or indirectly, from amended claim 9 which now depends from claim 1 and is distinguished from the Kimura reference and in allowable form. The reference of Nagaiwa has apparently been relied upon for providing a focus ring capable of being maintained at a temperature no greater than a  
15 of Kimura. Claims 10-13 are therefore distinguished from the references of record, taken alone or in combination, and therefore the rejection of claims 10-13 under 35 U.S.C. § 103(a), should be withdrawn.

#### IV. Newly Added Claims

20 Claim 29-33 have been added to point out further combinations of the distinguishing features of Applicant's invention. Support for the features of claims 29-33 is found in the originally-filed specification, together with the attached dictionary definition of "impregnated" as described above.

Applicants respectfully believe that each of new claims 29-33 is distinguished from the references of record and in allowable form.

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CONCLUSION

Based on the foregoing, each of pending claims 1-12 and 29-33 is in allowable form and the application in condition for allowance, which action is respectfully and expeditiously requested.

- 5 The Assistant Commissioner for Patents is hereby authorized to charge any fees or credit any excess payment that may be associated with this communication to Deposit Account 04-1679.

Respectfully submitted,

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## Attachments:

Webster's II New Collegiate Dictionary, 1995, Houghton Mifflin Company definition of *impregnate*

## importance • imprimatur

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eration. 4. Importance : significance < a corporate decision with long-term import > — **im-port'a-bil'i-ty** *n.* — **im-port'a-ble** *adj.* — **im-port'er** *n.*

**im-por-tance** (im-pôr'tans) *n.* 1. The quality or condition of being important : **SIGNIFICANCE**. 2. Personal status : **STANDING**. 3. Obs. An important matter. 4. Obs. Meaning : import. 5. Obs. Impunity.

**im-por-tant** (im-pôr'tant) *adj.* [Of. < Ital. *importante* < Med. Lat. *importantis*, p.prt. of *importare*, to mean < Lat., to import.] 1. Having or characterized by great value, significance, or consequence. 2. Having or suggesting an air of great weight or moment : **AUTHORITATIVE**. 3. Obs. Importunate. — **im-por'tant-ly** *adv.*

\* **syns**: IMPORTANT, BIG, CONSEQUENTIAL, HISTORIC, MEANINGFUL, MOMENTOUS, SIGNIFICANT, WEIGHTY *adj.* **core meaning** : having great significance < an important development in medicine > **ants**: INSIGNIFICANT, UNIMPORTANT

**im-por-ta-tion** (im-pôr'ta'shən, -pôr-) *n.* 1. The act or business of importing. 2. Something imported.

**im-por-tu-nate** (im-pôr'tchə-nit) *adj.* Stubbornly or unreasonably persistent in pressing demands or requests. — **im-por'tu-nate-ly** *adv.* — **im-por'tu-nate-ness** *n.*

**im-por-tune** (im-pôr'tūn, -tyōn, im-pôr'tchən) *vt.* -tuned, -tuning, -tunes. [Med. Lat. *importunus*, to be troublesome < Lat. *importunus*, inconvenient : *im-*, not + *portus*, harbor.] 1. To press with insistent demands or requests. 2. Obs. To ask for insistently. 3. Obs. To annoy. — *adj.* Importunate. — **im-por'tune-ly** *adv.* — **im-por-tun'er** *n.* — **im-por'tu-ni-ty** (-tū'nē-tē, -tyūn') *n.*

**im-pose** (im-pōz') *v.* -posed, -posing, -pos-es. [Of. < Lat. *imponere*, p.prt. of *imponere*, to place upon : *im-*, on + *ponere*, to place.] — *vt.* 1. To enact or apply as compulsory : **LEVY** < impose license fees >. 2. To apply or make prevail by or as if by authority < impose strike arbitration >. 3. To obtrude or force (e.g., oneself) upon another or others. 4. To arrange (printing type or plates) on an imposing stone. 5. To pass off on others < imposed a deception on the people >. — *vi.* To take unfair advantage of < always imposing on their kindness >. — **im-pose'r** *n.*

**im-pose-ing** (im-pōz'ing) *adj.* Awesome : impressive.

**imposing stone** *n.* A stone or metal slab on which material for printing is arranged.

**im-po-si-tion** (im-pōz'ishən) *n.* 1. The act of imposing. 2. Something imposed, as a tax, unfair burden, or fraud. 3. An unfair or burdensome demand, as upon someone's time or patience. 4. The arrangement of printed matter to form a sequence of pages.

\* **syns**: IMPOSITION, INFLECTION, INTRUSION *n.* **core meaning** : an excessive, unwelcome burden < The unexpected dinner guests were an imposition >.

**im-pos-si-ble** (im-pōs'a-bal) *adj.* [ME < Of. < Lat. *impossibilis* : *im-*, not + *possibilis*, possible.] 1. Incapable of existing or taking place. 2. Unlikely to happen or be accomplished. 3. Unacceptable. 4. Extremely difficult to tolerate or deal with. — **im-pōs'si-bil'i-ty** (-bēl'ē-tē) *n.* — **im-pōs'si-bly** *adv.*

**im-post'** (im-pōst') *n.* [Of. < Med. Lat. *impostum* < Lat. *impostus*, p.prt. of *imponere*, to place upon. — see IMPOSE.] 1. Something imposed or levied, as a tax or duty. 2. The weight a horse must carry in a handicap race.

**im-post'** (im-pōst') *n.* [Fr. *imposte* < Ital. *imposta* < Lat., fem. p.prt. of *imponere*, to place upon. — see IMPOSE.] The topmost section of a column or pillar supporting an arch.

**im-pos-tor** (im-pōs'tōr) *n.* [Of. *imposteur* < Llat. *impositor* < Lat. *impositus*, p.prt. of *imponere*, to place upon. — see IMPOSE.] One who is not what one claims to be.

\* **syns**: IMPOSTOR, CHARLATAN, FAKE, FRAUD, PHONY, PRETENDER, QUACK *n.* **core meaning** : one who is not what one claims to be < not a doctor, just an impostor >.

**im-pos-ture** (im-pōs'tchər) *n.* [Llat. *impostura* < Lat. *impositus*, p.prt. of *imponere*, to place upon. — see IMPOSE.] The act or practice of deceiving by the assumption of a false identity.

**im-po-tent** (im-pō-tant) *adj.* [ME < Of. < Lat. *impotens* : *im-*, not + *potens*, potent.] 1. Lacking strength or vigor : **WEAK**. 2. Powerless : ineffectual. 3. a. Incapable of sexual intercourse. b. Sterile. — Used of males. 4. Obs. Lacking self-restraint. — **im-pō-tence** (-təns), **im-pō-ten-cy** (-tən-sē) *n.* — **im-pō-tent-ly** *adv.*

**im-pound** (im-paund') *vt.* -pounded, -pounding, -pounds. 1. To confine in or as if in a pound. 2. To seize and keep in legal custody. 3. To accumulate (water) in a reservoir. — **im-pound'age**, **im-pound'ment** *n.* — **im-pound'er** *n.*

**im-pov-er-ish** (im-pōv'ar-ish) *vt.* -ished, -ishing, -ish-es. [ME *empoverishen* < Of. *empovrir*, *empovriss* : *em-* (causative) + *povre*, poor < Lat. *pauper*.] 1. To make poor. 2. To deprive of natural richness or strength. — **im-pov'er-ish-ment** *n.*

**im-prac-ti-ca-ble** (im-prāk'ti-kə-bal) *adj.* 1. Not capable of being done or carried out. **usage**: *Impracticable* applies to that which is not capable of being carried out or put into practice. *Impractical* refers to

maintain in practice. 2. Incapable of dealing efficiently with practical matters, esp. money. 3. Not a part of experience, fact, or practice : **THEORETICAL**. — **im-prac'ti-cal'i-ty**, **im-prac'ti-cal-ness** *n.*

**im-pre-cate** (im-prē-kāt') *vt.* -cat-ed, -cat-ing, -cates. [Lat. *imprecari*, *imprecari* : *im-*, on + *precari*, to pray, ask.] To call down evil upon : **CURSE**. — **im-pre-ca'tion** (-kā'shən) *n.* — **im-pre-ca'tor** *n.* — **im-pre-ca-to-ry** (-kə-tōr'ē, -tūr'ē) *adj.*

**im-pre-cise** (im-prē-sis') *adj.* Not precise. — **im-pre-cise-ly** *adv.* — **im-pre-ci-sion** (-sish'ən) *n.*

**im-preg-na-ble** (im-prēg'nə-bal) *adj.* [ME < Of. : *im-*, not < Lat. *in-* + *pregnare*, pregnable.] 1. Incapable of being taken or entered by force < an impregnable fortress >. 2. Unable to be changed or criticized, as a conviction.

**im-preg-na-ble** (im-prēg'nə-bal) *adj.* Capable of being impregnated, as an egg.

**im-preg-nate** (im-prēg'nāt') *vt.* -nat-ed, -nat-ing, -nates. [Llat. *impregnare*, *impregnare* : Lat. *in-*, in + *pregnans*, pregnant.] 1. To make pregnant : **INSEMINATE**. 2. To fertilize (e.g., an ovum). 3. To fill throughout or saturate. 4. To permeate or imbue. — *adj.* Saturated or filled. — **im-preg-na'tion** *n.* — **im-preg'na-tor** *n.*

**im-pre-sa** (im-prā'sə) *n.* [Ital., undertaking. — see IMPRESARIO.] An emblem or device with a motto.

**im-pre-sa-ri-o** (im-prē-sā'rē-ō, -sār'ē) *n.* *pl.* -os. [Ital. < *impre-sa*, undertaking < *impre-sa*, p.prt. of *imprendere*, to undertake < VLat. — see EMPIRE.] 1. One who produces or sponsors entertainment, esp. the director of an opera company. 2. A manager or producer.

**im-pres-s'** (im-prēs') *vt.* -pressed, -press-ing, -press-es. [ME *impressen* < Lat. *impressus*, p.prt. of *imprimere* : *im-*, in + *primere*, to press.] 1. To produce or apply with pressure. 2. To mark or stamp with or as if with pressure. 3. To produce a vivid perception or image of. 4. To affect or influence deeply or strongly. 5. To transmit a force or motion to. — *n.* (im-prēs'). 1. The act of impressing. 2. A mark or pattern made by impressing. 3. A stamp or seal for impressing.

**im-press'** (im-prēs') *vt.* -pressed, -press-ing, -press-es. 1. To compel (someone) to serve in a military force. 2. To confiscate (property). — *n.* Impressment.

**im-press-i-ble** (im-prēs'a-bal) *adj.* Capable of being impressed. — **im-press'i-bil'i-ty** *n.* — **im-press'i-bly** *adv.*

**im-pres-sion** (im-prēsh'ən) *n.* 1. The act or process of impressing. 2. The effect, mark, or imprint made on a surface by pressure. 3. An effect, feeling, or image retained as a result of experience. 4. An indistinct notion, recollection, or belief. 5. a. All the copies of a publication printed at one time from the same set of type. b. A single copy of this printing. 6. A humorous or satiric imitation of a famous personality done esp. by a professional entertainer. 7. An initial or single coat of color or paint. 8. A wax or plaster imprint of the teeth and surrounding tissue, used in dentistry as a mold in making dentures or inlays.

**im-pres-sion-a-ble** (im-prēsh'ə-nə-bal) *adj.* 1. Capable of receiving an impression : **PLASTIC**. 2. Easily influenced : **SUGGESTIBLE**. — **im-pres-sion-a-bil'i-ty**, **im-pres-sion-a-ble-ness** *n.*

**im-pres-sion-ism** (im-prēsh'ə-niz'm) *n.* 1. *often* **Impressionism**. A theory or style of painting developed in France during the 1870's, characterized chiefly by concentration on the general impression created by a scene or object and by applying unmixed primary colors in small strokes to simulate reflected light. 2. A literary style marked generally by the use of details and mental associations to inspire subjective and sensory impressions rather than the re-creation of objective reality. 3. A musical style of the late 19th and early 20th cent., using rich and diversified tones and harmonies to call forth suggestions of mood, place, and natural phenomena. 4. The practice or habit of expressing or developing one's subjective response to a work of art or actual experience.

**im-pres-sion-ist** (im-prēsh'ə-nist) *n.* 1. One, esp. an artist or a composer, who practices or advocates the theories of impressionism. 2. An entertainer who does impressions.

**im-pres-sion-is-tic** (im-prēsh'ə-nis'tik) *adj.* 1. Of, relating to, or made up of impressionism. 2. Of, relating to, involving, or based on impression rather than reason or fact. 3. Impressional. — **im-pres-sion-is'ti-cal-ly** *adv.*

**im-pres-sive** (im-prēs'iv) *adj.* Making a strong impression : **commanding attention**. — **im-pres'sive-ly** *adv.* — **im-pres'sive-ness** *n.*

**im-press-ment** (im-prēs'mənt) *n.* The act or policy of seizing people or property for public service or use.

**im-prest'** (im-prēst') *n.* [Lat. *impresto*, lent, advanced < *impre-stare*, to lend : *im-*, toward < Lat. > + *prestare*, to lend < Lat. *præstare*, to give < *præsto*, at hand.] An advance or loan of government funds for service to the government.

**im-pri-ma-tur** (im-prē-mā'tor, -mā'tōr) *n.* [NLat., let it be printed under a situation of